

**In the Claims:**

Claim 1. An isolated polynucleotide having ABC1 promoter activity comprising SEQ ID NO: 3.

Claim 2. An isolated polynucleotide having ABC1 promoter activity comprising nucleotides 1-1532, 1080-1643, 1181-1643, 1292-1643, or 1394-1643, ~~or 1394-1532~~ of SEQ ID NO: 3.

Claim 3. (Canceled)

Claim 4. (Canceled)

Claim 5. (Canceled)

Claim 6. An isolated polynucleotide having ABC1 promoter activity ~~comprising a nucleotide sequence~~ that is at least 80% identical to ~~the polynucleotide of claim 1~~ SEQ ID NO: 3.

Claim 7. An isolated polynucleotide having ABC1 promoter activity ~~comprising a nucleotide sequence~~ that is at least 80% identical to ~~the polynucleotide of claim 2~~ nucleotides 1-1532, 1080-1643, 1181-1643, 1292-1643, 1394-1643, or 1394-1532 of SEQ ID NO: 3.

Claim 8. An isolated polynucleotide that is complementary to the polynucleotide of claim 1.

Claim 9. An isolated polynucleotide that is complementary to the polynucleotide of claim 2.

Claim 10. A composition comprising the polynucleotide of claim 1 and a suitable carrier.

Claim 11. A composition comprising the polynucleotide of claim 2 and a suitable carrier.

Claim 12. A recombinant vector comprising the polynucleotide of claim 1.

Claim 13. A recombinant vector comprising the polynucleotide of claim 2.

Claim 14. A host cell comprising the recombinant vector of claim 12.

Claim 15. A host cell comprising the recombinant vector of claim 13.

- Claim 16. The recombinant vector of claim 12, further comprising at least one polynucleotide encoding a heterologous polypeptide.
- Claim 17. The recombinant vector of claim 13, further comprising at least one polynucleotide encoding a heterologous polypeptide.
- Claim 18. The recombinant vector of claim 16, wherein said heterologous polypeptide is selected from the group consisting of luciferase,  $\beta$ -galactosidase, chloramphenicol acetyl transferase transferase, and green fluorescent protein.
- Claim 19. The recombinant vector of claim 18, wherein said heterologous polypeptide is luciferase.
- Claim 20. The recombinant vector of claim 19, wherein said vector is pAPR1.
- Claims 21-55 (withdrawn)

Add claims 56-59

- Claim 56. (New) An isolated polynucleotide having ABC1 promoter activity comprising the polynucleotide of claim 6.
- Claim 57. (New) An isolated polynucleotide having ABC1 promoter activity comprising the polynucleotide of claim 7.
- Claim 58. (New) A recombinant vector comprising the polynucleotide of claim 56.
- Claim 59. (New) A recombinant vector comprising the polynucleotide of claim 57.
- Claim 60. (New) An isolated polynucleotide consisting essentially of nucleotides 1394-1532 of SEQ ID NO: 3
- Claim 61. (New) A recombinant vector comprising the polynucleotide of claim 60.
- Claim 62. (New) An isolated polynucleotide having ABC1 promoter activity that is at least 91% identical to the polynucleotide of SEQ ID NO: 3.

Turn over

63 Claim 63. (New) An isolated polynucleotide having ABC1 promoter activity that is at least 90% identical to nucleotides 1-1532, 1080-1643, 1181-1643, 1292-1643, 1394-1643, or 1394-1532 of SEQ ID NO: 3.

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